

SUPREME COURT OF CALIFORNIA

**NOTICE OF
FORTHCOMING FILING**

The Supreme Court has indicated that the filing of a written opinion in the following case(s) is forthcoming. At the filing time designated below, the filed opinion(s) will be accessible at the judicial branch web site (www.courtinfo.ca.gov) and copies will be made available at the Supreme Court Clerk's Office.

[Generally, the description set out with regard to each case is reproduced from the original news release issued when review in the matter was granted, and is provided for the convenience of the public and the press. The description does not necessarily reflect the view of the court, or define the specific issues that will be addressed by the court.]

IN RE HAWTHORNE ON HABEAS CORPUS

S116670 (Los Angeles County Superior Court – A36104)
Argued in San Diego 12-07-04

The court issued an order to show cause limited to the following issues: Is petitioner entitled to relief from the judgment of death on the ground that he is mentally retarded within the meaning of *Atkins v. Virginia* (2002) 536 U.S. 304?

HONEYWELL v. W.C.A.B. & WAGNER

S113201 (B156438; Los Angeles County Superior Court – LA0763476)
Argued in San Diego 12-08-04

This case presents the following issue: (1) What degree of knowledge that an employee has suffered an industrial injury must an employer have in order to trigger the employer's duty to provide the employee with a claim form (Lab. Code, § 5401)? (2) If the employer fails to comply with its statutory duty to provide the claim form, does the 90-day period in which the employer must deny the claim in order to avoid a presumption that the claim is compensable (Lab. Code, § 5402) begin to run at the time the claim form should have been provided or does it not begin to run until the employee actually returns the completed form?

Opinion(s) in the above case(s) will be filed on:

Thursday, February 10, 2005 at 10:00 a.m.
